

IN THE MATTER of United States Patent Application N. 09/647,098 in the name of Richards et al (Assignees: Eimeria Pty Limited, The State of Queensland through the Department of Primary Industries and Rural Industries Research and Development Corporation)

STATUTORY DECLARATION

I, David Grant Richards, of 29 Tantani Street, Frankston North, Victoria, Australia, do hereby declare as follows:

1. I am named as an inventor of United States Patent Application No 09/647,098 ("the US application"). Other named inventors are Wayne Keith Jorgensen and Norman Porter Stewart. The US application is based on International Patent Application No. PCT/AU99/00232 ("the PCT application").
2. I am a Director of Eimeria Pty Limited, a co-applicant of the PCT application and joint assignee of the US application. Eimeria Pty Limited utilised the services of Bioproperties Pharmaceuticals Pty Ltd ("Bioproperties") to act on its behalf in instructing patent attorneys for the preparation, filing and handling of the PCT application and US application.
3. Bioproperties were provided to us by Mr David Tinworth, a Director of Bioproperties, and Mr Anthony Roberts who worked with Mr Tinworth.
4. Norman Stewart is known to me because of his association with the Animal Research Institute ("ARI"), Yeerongpilly, Queensland. When I was establishing the coccidiosis vaccine project here in Melbourne which led to the US application, I visited Dr Jorgensen at ARI several times. During these visits Norm Stewart was on the staff of ARI and was concerned with the development of precocious vaccine strains. The fact these strains are being used by the Eimeria Research Project to develop vaccines was well known to Norm as he was present during our discussions about coccidiosis vaccine: use and manufacture.
5. Norm Stewart left the ARI between the commencement of the development of the precocious strains received from ARI by Eimeria Pty Ltd to the stages where they

were ready for field use. I have no doubt he was a co-inventor of the PCT application and US application.

6. The US application papers comprising the specification, claims, drawings and declaration were provided to my by Mr Roberts of Bioproperties. I was asked by Mr Roberts to sign the assignment and declaration forms and send the application papers to the other inventors, Wayne Jorgensen and Norman Stewart, for signature and return to Mr Roberts. I sent the US application papers to the other inventors as requested of me and I confirmed receipt of the US application papers over the telephone with both Wayne Jorgensen and Norm Stewart. Unfortunately, I did not keep copies of my correspondence to Wayne Jorgensen and Norman Stewart.
7. To the best of my recollection, at the beginning of November 2000 I called Norm Stewart and discussed with him the need to sign the US application papers. In my telephone discussion with Norm Stewart I asked him if he had received the US application papers. He told me that he had. Norm also said to me words to the effect that there was no benefit to him in signing, and that he was not going to sign the US application papers.
8. I conveyed details of this discussion with Norm to Mr David Tinworth of Bioproperties shortly thereafter.

Signed under penalty of perjury:

David Grant Richards (signature)

David Grant Richards (name)

this 28th day of September 2001